

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

HBL SNF, LLC, d/b/a EPIC REHABILITATION
AND NURSING AT WHITE PLAINS,

Chapter 11

Case No. 21-22623 (SHL)

Debtor.

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WHITE PLAINS HEALTHCARE PROPERTIES I, LLC,

Plaintiff,

against

Adversary Proceeding

HBL SNF, LLC, LIZER JOZEFOVIC A/K/A LIZER
JOZEFOVIC, and MARK NEUMAN,

Case No. 21-07096 (SHL)

Defendants and Third-Party Plaintiffs,

against

CCC EQUITIES, LLC, PROJECT EQUITY
CONSULTING, THE CONGRESS COMPANIES,
HOWARD FENSTERMAN, WILLIAM NICHOLSON, and
METROPOLITAN COMMERCIAL BANK

Third-Party Defendants
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**ORDER GRANTING WHITE PLAINS HEALTHCARE PROPERTIES I, LLC'S
MOTION TO REMAND AND DENYING HBL'S CROSS-MOTION TO STAY**

White Plains Healthcare Properties I, LLC ("WPHP") having moved (the "Motion to Remand") pursuant to 28 U.S.C. §§ 1334, 1446, 1447 and 1452 and Rule 9027 of the Federal Rules of Bankruptcy Procedure to remand: (i) the Third, Fourth, and Fifth Claims in the Complaint filed in the above-referenced adversary proceeding, Adv. Pro. No. 21-07096, against non-Debtor Defendants Lizer Jozefovic and Mark Neuman, and (ii) the entirety of the separate action styled

Jozefovic v. White Plains Healthcare Properties I, LLC, Index No. 60278/2020 (the “Waterview Litigation,”); and HBL SNF, LLC (“HBL”) having cross-moved for a stay pursuant to 11 U.S.C. § 105(a) (the “Cross-Motion to Stay”), and

Having reviewed the following record on said Motion to Remand and Cross-Motion to Stay:

- 1) Notice of Removal filed by HBL (Adv. Pro. Dkt. No. 1);
- 2) WPHP’s memorandum of law in support of its Motion to Remand (Adv. Pro. Dkt. No. 17);
- 3) Declaration of Eric B. Fisher in support of Motion to Remand, with Exhibits A through G (Adv. Pro. Dkt. Nos. 18 through 18-7);
- 4) Notice of Hearing on Motion to Remand (Adv. Pro. Dkt. No. 19);
- 5) Joinder of Howard Fensterman in Motion to Remand (Adv. Pro. Dkt. No. 27);
- 6) HBL’s memorandum of law in opposition to the Motion to Remand and in support of Cross-Motion to Stay (Adv. Pro. Dkt. No. 48);
- 7) Notice of Hearing on Cross-Motion to Stay (Adv. Pro. Dkt. No. 49); and
- 8) WPHP’s reply memorandum of law in support of Motion to Remand and in opposition to Cross-Motion to Stay (Adv. Pro. Skt. No. 52).

AND having heard the arguments of counsel for the parties at the hearing held on June 1, 2022.

NOW, for the reasons set forth on the record during the June 1, 2022 hearing, **IT IS HEREBY ORDERED** that:

- (1) WPHP’s Motion to Remand is granted, and

(2) The Third, Fourth, and Fifth Claims in the Complaint filed in the above-referenced adversary proceeding, Adv. Pro. No. 21-07096, are remanded to the Supreme Court of the State of New York, County of Westchester, and

(3) The entirety of the Waterview Litigation, styled *Jozefovic v. White Plains Healthcare Properties I, LLC*, Index No. 60278/2020, is remanded to the Supreme Court of the State of New York, County of Westchester, and

(4) HBL's Cross-Motion to Stay is denied, and

(5) Pursuant to 28 U.S.C. 1447(c), the Clerk of Court is respectfully directed to mail a certified copy of this Order to the Supreme Court of the State of New York, Westchester County.

Dated: June 9, 2022

/s/ Sean H. Lane
HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE